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U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Michael Yates, et al.,

Plaintiffs,

v.

Traeger Pellet Grills,

Defendant.

**ORDER DENYING MOTION TO  
CERTIFY CLASS**

Case No. 2:19-cv-00723-BSJ

The Honorable Bruce S. Jenkins

Presently before the court is Plaintiffs Michael Yates and Norman L. Jones' "Motion to Certify Class."<sup>1</sup> Defendant Traeger Grills, LLC, filed an Opposition.<sup>2</sup> Plaintiffs filed a Reply.<sup>3</sup> Defendant filed a sur-reply.<sup>4</sup> The court heard oral argument on January 10, 2023. Jared D. Scott and Karl S. Kronenberger appeared on behalf of Plaintiffs. James S. Speyer, Eskandar Alex Beroukhim, and Juliette P. White appeared on behalf of Defendant. Having considered the parties' briefing, oral argument, and the applicable law, the court will deny Plaintiffs' Motion to Certify Class, with leave to file an amended motion with regard to the proposed Utah and California subclasses only.

The court denies Plaintiffs' Motion to Certify Class as to the proposed nationwide class because, as stated previously: "Ordinarily, the power of the Utah legislature stops at the borders."<sup>5</sup> This statement references not only the difficulties related to extraterritorial application of state law,

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<sup>1</sup> ECF No. 149.

<sup>2</sup> ECF No. 175.

<sup>3</sup> ECF No. 182.

<sup>4</sup> ECF No. 200.

<sup>5</sup> Apr. 30, 2020, Telephonic Mot. Hr'g, 22:23–24 (ECF No. 48).

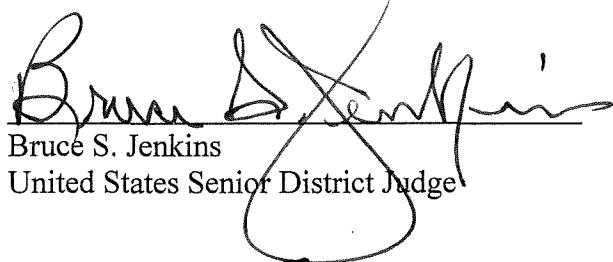
but also recognizes that questions implicated by a choice-of-law analysis involve predominantly individual questions, rather than questions common to the proposed nationwide class.

Additionally, the court denies Plaintiffs' Motion to Certify Class as to the proposed Utah and California subclasses, though it will provide Plaintiffs an opportunity to provide additional information in an amended motion to certify a proposed Utah and/or California class. During counsel's conversation with the court, certain information gaps became apparent regarding Plaintiffs' claimed damages and their theory regarding causation under Utah law and California law. If Plaintiffs so choose, they may file an amended motion within twenty days, filling in the voids demonstrated during the hearing.

**ORDER**

Based on the foregoing, the court DENIES Plaintiffs' Motion to Certify Class. (ECF No. 149). If they so choose, Plaintiffs may file an amended motion to certify a Utah and/or California class but any such motion must be filed no later than January 30, 2023. Defendants may respond within twenty days of Plaintiffs' amended motion, if filed. Assuming the amended motion is filed, it will be heard on March 23, 2023, at 10:00 a.m.

DATED this 11th day of January 2023.



Bruce S. Jenkins  
United States Senior District Judge